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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,149	07/15/2003	James L. Kroening	450.366US1	1189
Gateway, Inc. Attention: Scott Charles Richardson 610 Gateway Drive, MD Y-04 N. Sioux City, SD 57049			EXAMINER TRAN, DENISE	
			ART UNIT 2185	PAPER NUMBER
			MAIL DATE 05/18/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/621,149	KROENING, JAMES L.	
	Examiner	Art Unit	
	Denise Tran	2185	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5,8-14,16,17,19,30 and 31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14,16,17,19 and 31 is/are allowed.
- 6) ☒ Claim(s) 1,4,5,9,11-13 and 30 is/are rejected.
- 7) ☒ Claim(s) 2,8 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The applicant's amendment filed 2/16/07 has been considered. Claims 1-2, 4-5, 8-14, 16-17, 19, 30-31 are presented for examination. Claims 3, 6-7, 15, 18, and 20-29 have been canceled.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 4-5, 9, 11-13, and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Paterson et al., U.S. Patent No. 6,412, 042.

As per claim 1, Paterson teaches a method of writing information to a storage device, the method, implemented in the storage device comprising:

receiving a dual write command to write information to the storage device (e.g., col. 11, line 60 to col. 12, line 20);

determining two locations to write the information (e.g., col. 11, line 60 to col. 12, line 20);

performing a single reading of the information to be written into a read buffer (e.g., col.11, line 60 to col. 12, line 20);

writing the information to both of the two locations based on the single reading of the information (e.g., col. 11, line 60 to col. 12, line 20);

wherein the read buffer of the storage device is not cleared between the writing of the information to both of the two locations (e.g., col. 11, line 60 to col. 12, line 20);

wherein one of the two locations is within a reserve area of the storage device (i.e., one of the two area stored for future use, e.g., col. 11, line 60 to col. 12, line 20);
and

wherein the reserve area is a protected area that is protected from access by a host command (i.e., one of two areas is protected from retrieve data by host command until the other one has an error e.g., col. 11, lines 15-25; col. 18, lines 25-65 and et seq.) and a user is inherently taught by Paterson because a host command or instruction is generated by a user or a host is controlled by a user.

As per claims 4, 9, and 11-13, Paterson teaches the information to be read being associated with a write command designated a dual write operation (e.g., col. 11, line 60 to col. 12, line 20) and a bit flag is inherently taught by Paterson because in a computer system, a command or data is recognized by a bit flag, such as a write bit flag; the storage device comprising a disk drive (e.g., fig. 1, el. 10); the information is written to both of the locations during a same write cycle (e.g., col. 12, lines 1-20); the two locations comprise a first location and a second location based, the second location being upon a calculation performed on the first location (i.e., selecting the second location being upon comparing access time or error performed on the first location; e.g., col. 8, lines 50-60; col. 18, lines 35-45); and writing the information to both locations

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comprises writing the information to a plurality of locations comprising both locations and at least one additional location (e.g., col. 14, line 55 to col. 15, line 20).

As per claim 30, Paterson teaches a method of writing information to a storage device, the method, implemented in the storage device comprising:

receiving a dual write command to write information to the storage device (e.g., col. 11, line 60 to col. 12, line 20);

determining two locations to write the information (e.g., col. 11, line 60 to col. 12, line 20);

performing a single reading of the information to be written into a read buffer (e.g., col.11, line 60 to col. 12, line 20);

writing the information to both of the two locations based on the single reading of the information (e.g., col. 11, line 60 to col. 12, line 20);

wherein the read buffer is not cleared between the writing of the information to both of the two locations (e.g., col. 11, line 60 to col. 12, line 20); and

wherein the information to be read contains a header designating a dual write operation (i.e., a write command is a header of data segment, e.g., fig. 12, el. 140; col. 11, line 60 to col. 12, line 20); and a file system (e.g., col. 14, line 37).

Claim 5, Paterson teaches the information to be read contains a header designating a dual write operation (i.e., a write command is a header of data segment, e.g., fig. 12, el. 140; col. 11, line 60 to col. 12, line 20); and a file system (e.g., col. 14, line 37).

4. Claims 2, 8 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. Claims 14, 16-17, 19 and 31 are allowable over the prior art of record.
6. Applicant's arguments filed 2/16/07 have been fully considered but they are not persuasive.
7. In the remarks, the applicant argued that Paterson does not teach that one of the two locations to which the information to be written is within a reserve area of the storage device, wherein the reserve area is a protected area that is protected from access by a user.

The examiner disagreed with the applicant's argument because Paterson teaches wherein one of the two locations is within a reserve area of the storage device (i.e., one of the two area stored data for future use, e.g., col. 11, line 60 to col. 12, line 20); and wherein the reserve area is a protected area that is protected from access by a host command (i.e., one of two areas is protected from retrieve data by host command until the other one has an error e.g., col. 11, lines 15-25; col. 18, lines 25-65 and et seq.) and a user is inherently taught by Paterson because a host command or instruction is generated by a user or a host is controlled by a user.

8. In the remarks, the applicant argued that Paterson does not teach that the information to be read contains a header designating a dual write operation because the write command is distinct from the data segment and not contained in the information to be read.

The examiner disagreed with the applicant argument. The claimed language does not require the write command and the data segment to be transmitted at the same time; therefore, Paterson teaches the information to be read is the write command and the data segment or the information to be read contains a header designating a dual write operation (i.e., a write command is a header of data segment, e.g., fig. 12, el. 140; col. 11, line 60 to col. 12, line 20).

9. Applicant's arguments with respect to the Official Notice of claims 5 and 30 have been considered but are moot in view of the cancellation of the limitation "a file" of claims 5 and 30.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Denise Tran whose telephone number is (571) 272-4189. The examiner can normally be reached on Monday, Thursday, and an alternated Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sanjiv Shah, can be reached on 571-272-4098. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Denise Tran

5/14/05